IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition No.5095 Of 2004

Kishanchand Roopchand & Anr. .. Petitioners

Vs.

Smt.Surangi Jitendra Mehta
and Ors. .. Respondents

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Shri A.K.Abhyankar for the petitioners.

Shri P.S.Dani for the respondents.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 19th OCTOBER, 2004.

P.C.

1. Heard. It is not necessary to deal with the various points sought to be raised in the matter. Suffice to refer to the fact that the present petition arises from the order dated 12th April, 2004 passed in Interim Notice No.218 of 2004 in R.A.D.Suit No.2081 of 2003 whereby the trial Court has dismissed the said notice filed by the petitioners for clubbing the R.A.D. suit along with the Obstructionist Notice No.43 of 2003.

2. When the matter came up for hearing, after

having been heard for some time, the learned advocates appearing for the parties submitted that the impugned order may be set aside and the trial Court may be directed to dispose of both the matters viz. R.A.D.Suit No.2081 of 2003 as well as the Obstructionist Notice No.43 of 2003 together with the R.A.D.Suits No.1655 of 2003 and 5088 of 1986 in relation to the recording of evidence as well as disposal of the suits and proceedings. The learned advocate for the petitioners also submitted that the various miscellaneous applications which have been filed in the proceedings may also be directed to be disposed of along with the suits. The learned advocate for the petitioners however made a grievance that the respondents in their suit have not taken steps to serve all the defendants and therefore, the proceedings in that suit are being purposely delayed on the part of the respondents. The learned advocate for the petitioners assured that the petitioners would take necessary steps to complete all the preliminary requirements within the time specified by the Court. In view of what has been submitted by the learned advocates for both the parties, it is not necessary to deal with the various contentions sought to be raised in the petition and suffice to dispose of the matter by consent of the parties while setting aside the

impugned order directing the trial Court to dispose of the R.A.D.Suit No.2081 of 2003 as well as the Obstructionist Notice No.43 of 2003 together with the R.A.D.Suits No.1655 of 2003 and 5088 of 1986, that is to say by recording of evidence together and dispose of the abovesaid matters by common judgment in the matters. Needless to say that all the preliminary requirements to be completed in the suits filed by the petitioners are required to be completed including the filing of draft issues as well as list of witnesses and documents by the parties on or before 31st March, 2005, without fail. Both the parties to render necessary assistance in that regard to the trial court and the trial Court to ensure that the parties should take necessary steps in that regard. The trial further shall frame issues in all the suits before 15th March, 2005 so as to enable the parties to file list of witnesses on or before 31st March, 2005 and thereafter, shall proceed with the aforesaid suits as well as the obstructionist notice and the applications in the aforesaid suits and shall dispose of the same by passing a common judgment in the matters. The trial Court shall proceed to record the evidence from April, 2005 onwards and shall endeavour to dispose of the aforesaid matters as early as possible.

3. With these directions, the writ petition is disposed of with no order as to costs.